

CHRISTMAS AMNESTY URGED FOR C.O.'s

Second class citizenship is still the fate of thousands of conscientious objectors who have served prison terms because their religious or philosophical convictions forbade participation in war or war preparations.

The "crime" for which these men became felons, and thereby lost their civil rights, was their renunciation of the futility and mass slaughter of modern war. Confronted with the demands of war, they obeyed instead the conflicting command of a conscience that said No. For obedience to the voice within them, they were sentenced to prison terms averaging three years each—a term longer than the average imposed by federal courts on forgers, counterfeiters or white slavers. Many have had to undergo imprisonment more than once.

Loyalty to their deepest beliefs has thus already cost these men long years of imprisonment. Yet, even the end of a prison term does not end the punishment. Their Selective Service violation has made them felons and most states deprive them of their right to vote, to hold office, or to obtain licenses to enter many of the professions. This second-class citizenship continues for life, unless amnesty is granted by the President.

An amnesty is a general pardon extended to all members of a particular class or group. Soon after President Roosevelt took office in 1933, he issued a Christmas amnesty to World War I violators. Seven other Presidents have exercised their pardon power in this way, beginning with President Washington's amnesty in 1795 to all who participated in Pennsylvania's Whiskey Rebellion.

Many foreign countries have issued such pardons, and millions of German and Japanese political prisoners have received amnesties from American occupation authorities in the four and a half years since the war ended. It is past time to restore to conscientious objectors the right to make a living, to participate in a democratic government, and thus to restore to the nation those assets now wasted by a vindictive policy which makes teachers unable to teach, lawyers and doctors unable to practise, intelligent and informed citizens unable to vote and contribute to political life.

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MORE ON AMNESTY

The American Federation of Labor recently reaffirmed the position taken by its 1920 convention after World War I, urging "amnesty to all prisoners whose political beliefs formed the basis of their prosecution." The C.I.O., the Federal Council of Churches, and prominent individuals from many walks of life have been urging this action ever since the war ended. As foreign governments and American military governors have granted such pardons on a wide scale, the *New York Times* is not alone in noting:

"If we can forgive our enemies in this way, surely we can forgive the fellow-citizens who honestly could not accept the majority view of duty in time of war."

(editorial, 11/24/46)

Among the 15,000 men convicted of war-time draft violation are many men whose offense resulted from ignorance or carelessness; some were cases of attempted draft evasion. But most were objectors on religious, moral and political grounds. They included Quakers, religious C.O.'s of Catholic faith and from almost every Protestant sect; Jehovah's Witnesses; Moslems; Negroes opposing racial discrimination; Puerto Rican and Asiatic anti-imperialists; Japanese Americans drafted when their families were held in concentration camps; individualists in the tradition of Gandhi, Thoreau, Tolstoy.

Responding to widespread pressure, President Truman appointed an Amnesty Board in 1946. But this board's report, a year later, repudiated the meaning of amnesty as a general pardon embracing a whole class of prisoners. Instead it recommended (and the President granted) individual pardons to 1,523 men, out of more than 15,000 violators. The selection of the lucky few was capricious and discriminatory, and there was general editorial criticism of what was called a "phony amnesty."

Thus the original problem remains, and it has been augmented by the peacetime prosecution of three-score young men (mostly Quakers) for violations of the 1948 peacetime draft. Although this draft has drafted no one since last winter, and the few thousand conscripted under it are being released by the army, it has served to continue into peacetime the imprisonment of young Americans on account of their religious convictions.

"These men have been punished—severely punished. They have served terms in prison. Amnesty would operate only to restore their civil rights. Certainly in time of peace these men cannot be deemed anti-social. The United States can afford the luxury of treating them magnanimously."

Washington Post, 12/25/47

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"All of the mobilization and all of the war effort will have been in vain if, when all is finished, we discover that in the process we have destroyed the very freedoms for which we fought."

Justice Frank Murphy, 2/4/46

"In all civilized, democratic countries freedom of conscience is one of the most jealously guarded human rights. But when the national existence is deemed to be at stake and when the law requires all male citizens of certain ages to serve, the conscientious objector must suffer for his belief. Generally, the climate of war being what it is, he suffers rather more than he should."

"But in all free, civilized countries, it is also true that when the danger is ended and the emergency over, governments of that kind restore as quickly as possible the normal state of affairs. To extend an amnesty now to conscientious objectors could do no possible harm, and would follow a sound American tradition."

Saturday Evening Post, 11/23/46

"...should the conscientious, having suffered their punishment, be, like any felon, forever deprived of civil rights? We hope that on some later Christmas pardon may, in all mercy, be extended to those whose offense was born of conscience, not of felonious intent."

N.Y. Herald Tribune, 12/25/47

"Approximately 13,000 American prisoners under the Selective Service Act are still deprived of certain rights, suffering grievous disabilities affecting their admission to the professions and civil service appointments. We renew the petition of the 158th General Assembly and request that general amnesty be granted now."

159th General Assembly, Presbyterian Church in the U.S.A., 1947

"It seems to us that an amnesty for all such war objectors is the only logical action for our government to take in order to keep faith with our heritage—a heritage of freedom of speech and conscience, of full civil rights for minority groups, and of seeking, as a nation, to follow the teachings of the Sermon on the Mount."

Letter to the Attorney General from 20 Faculty members, Yale Univ. Divinity School, 11/4/49

FIVE MORE C.O.'s GET PRISON TERMS

Convicted in federal courts in Illinois and Alabama, five more non-registrants drew year and a day terms earlier in the fall. One of the five, Robert Wixom of Champaign, Ill., is appealing his case and is out on bond; the other four, all members of the Friends Meeting of Fairhope, Ala., have been sent to the prison at Tallahassee, Fla.

With another prosecution imminent (that of 18-year-old Robert Michener in Kansas), the ineffectiveness of the Attorney General's circular of May 26, supposed to stop such prosecutions, was being felt.

The stormiest court session occurred in Mobile, Ala., in the appearance of the four Fairhope Quakers before Judge John McDuffie on October 25-6. Although scheduled for 10 A.M. on the 25th, the court heard a long list of liquor law and motor vehicle theft

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NEWS BRIEFS

Many C.O.'s Get Parole

By mid-November, every imprisoned non-registrant C.O. who was eligible for parole (upon completing one-third of his term) had been released, and the number of men still behind prison bars was the lowest so far this year. Names of those affected by this action will be found in the Court Reporter (below).

Truman and the Sermon on the Mount

When two Quakers visited the White House in October in behalf of imprisoned C.O.'s and to ask for amnesty, the President raised with them the problem of trying to live by the Sermon on the Mount. Shortly thereafter he stated in a public address:

"I believe that every problem in the world today

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THE COURT REPORTER

I. Non-Registrant Prosecutions

Since the last issue of this Reporter, the following have been sentenced for failure to register for Selective Service:

9/26/49—Robert Wixom; 1 year and 1 day (Danville, Ill.), Judge Walter Lindley

10/26/49—Marvin, Howard and Leonard Rockwell and Wilford Guindon; 1 year and 1 day (Mobile, Ala.), Judge John McDuffie

This brings the total convicted as non-registrants to 62.

The following non-registrants are under arrest pending disposition of their cases:

ILLINOIS: Robert Beach, Robert Somers

KANSAS: Robert Michener

NEW YORK: Wilbur Rippy, Charles Bell, James Neuhauser

II. Men Currently Imprisoned

The following are the institutions in which C.O.'s are currently incarcerated, to whom Christmas cards may be sent:

U.S. Prison Camp, Tucson, Ariz.: Walter Coppock, Jr., Arthur Emlen, Philip Howard, Gilbert McFadden, Atlee Shidler, Robert Cannon

U.S. Correctional Institution, Tallahassee, Fla.: Marvin, Howard and Leonard Rockwell, Wilford Guindon

Federal Correctional Institution, La Tuna, Texas: Joseph Craigmyle

III. Men Granted Parole

The following men have been freed on parole:

Harold Burnham, Paul Cates, David Coffman, Ralph Cook, Russell Henderson, William Heusel, Her-

bert Hoover, Millard Hunt, David Jensen, Roy Knight, Don Laughlin, Harvey Marshall, Don Mott, Austin Regier, Charles Rickert, Eston Rockwell, Jack Singletary, Dan and Vincent Smith, Herbert Smith, Henry Standing, Herbert Standing, Leland Standing, Arlo Tatum, Lawrence Tjossem, Gerald Williams, David Wyman, William Young

IV. Men Released on Completing Sentence

The following have been released upon completion of their sentences (or conditional release) since the last issue:

Amos Brokaw, Richard Graves, Gerald Haynes, Francis Henderson, Rollin Pepper, Stephen Simon C.R.: Harold Flakser, Sander Katz

V. Cases Dismissed

Prosecution against Gregory Votaw and Craig Wilder was dismissed in Chicago when the defendants were "automatically registered."

VI. Appeals

The following non-registrants are free on bond pending appeal:

Charles Frantz, Edgar Norton, Richard Shufflebarger, Robert Richter, William Wildman, Robert Wixom

Appeals in counselling cases:

Larry Gara's appeal was heard by the U.S. Court of Appeals, Sixth Circuit, Cincinnati, on October 20. Gara will be paroled on December 6.

Wirt Warren's appeal was turned down by a unanimous decision of the U.S. Court of Appeals, Tenth Circuit, Denver. A petition for certiorari to the Supreme Court will be made.

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cases, and it was not until late afternoon Wilford Guindon, and Marvin, Howard and Leonard Rockwell were called and pled guilty to the non-registration charge.

Hubert Mendenhall, clerk of the local Meeting and called as a Friend of the Court, then started to explain that the defendants "are taking this position because of the training and teaching they have had as Quakers." He said that the Meeting supported and encouraged them in their stand.

"Then you're as guilty as they are," Judge McDuffie said. He had disposed of all previous cases in a very lenient manner, but there was now no leniency in his voice:

"So you belong to this pacifist crowd that would turn this country over to some other government. I have no patience with that sort of thing. If you don't like this country, you should get out and stay out."

When Mendenhall finally got a word in edgewise, he quietly explained the basis of the Quaker teaching against war, and the example of William Penn. Marvin Rockwell, pointing out that he was a veteran of the last war, said:

"I cannot imagine Christ in a military uniform, taking training in the art of murder. I cannot imagine Christ giving any sanction to a law that takes the finest youths and teaches them to wage war."

"But men have been fighting since the world began," said the judge. "Until God changes men's hearts, they always will fight."

"That's right, sir," Mendenhall replied, "but how can God change men's hearts, except as he uses men as the instruments to carry out his will?"

When sentences of a year and a day were imposed the next morning, Judge McDuffie repeated his admonition that people like this (i.e., the Quakers) should get out of the country and stay out. An hour later, as he was going down in the courthouse elevator, he commented to a friend:

"I suppose by now they'll be calling me Pontius Pilate. They just don't believe in our form of government, suh, that's all there is to it."

But back in Fairhope, community sentiment was shocked by the judge's action, and the sentences

NEWS BRIEFS

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could be solved if men would only live by the principles of the ancient prophets and the Sermon on the Mount."

But his Quaker visitors found Truman unsympathetic about present non-registrants, who he believes should be punished. Living by the Sermon, it appears, is something to try for—but don't expect not to be punished as a result.

Officials Oppose Amnesty for C.O.'s

Although they don't mention the Sermon on the Mount, Selective Service headquarters and the Department of Defense are otherwise in agreement with the President. When Senate Resolution 108, requesting pardons for C.O.'s was referred to these agencies by the Senate's Armed Services Committee, they got back a report opposing the resolution.

"It is not in the interest of national security," said the report, "to condone the flagrant refusal of certain individuals to comply with the law requiring them to bear arms... The proposed legislation would provide an easy means of avoiding military service for anyone claiming religious exemption by nullifying the punitive measures by which Selective Service is enforced."

What this really means is that Selective Service and the Department of Defense believe in lifelong punishment of C.O.'s. Most of the men to whom this resolution refers are World War II C.O.'s, who have already been punished to the extent of prison sentences averaging three years each. Not content with that, the defense agencies want to make sure of more punishment of such men through continuing loss of their civil rights.

were compared to the probation he had granted almost every other defendant before him in ordinary criminal cases. And the afternoon papers reporting the case ran the story alongside one from Washington, telling that the 30,000 men inducted under this virtually defunct peacetime conscription law were to be released from the army, more than a year before they were supposed to get out.

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